

DISTRICT OF MASSACHUSETTS
UNITED STATES DISTRICT COURT

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO:

ALL ACTIONS

**PLAINTIFFS' MOTION FOR LEAVE TO FILE UNREDACTED VERSIONS OF
VARIOUS PLEADINGS UNDER SEAL**

Pursuant to Paragraph 15 of the Protective Order entered by this Court on December 13, 2002 (the "Protective Order") as well as this Court's Order of July 28, 2003 concerning Defendant AstraZeneca's Motion for Leave to File a Redacted Version of the Amended Master Consolidated Class Action Complaint, Plaintiffs respectfully move this Court for leave to file unredacted versions of the following pleadings under seal pending the Court's decision on a further motion by Defendants to show good cause why Defendants' information included in those filings should be redacted or sealed:

1. Plaintiffs' Separate Memorandum in Opposition to Motion to Dismiss the Amended Consolidated Class Action Complaint and in Opposition to the Defendant's Consolidated Memorandum (the "Consolidated Memorandum");

2. Plaintiffs' Separate Memorandum In Opposition to Defendant-Specific Memoranda and Motion to Dismiss; (the "Defendant Specific Opposition"); and
3. Affidavit of Thomas M. Sobol Relating to Plaintiffs' Motion For Leave to Take Additional Discovery ("Sobol Affidavit").

The Consolidated Opposition, the Defendant Specific Opposition and Sobol Affidavit each include information that has been identified by the Defendants to this action as "confidential" or "highly confidential" pursuant to the terms of the applicable Protective Order. Paragraph 15 of the Protective Order mandates that any document or pleading containing such information be filed under seal. Plaintiffs hereby comply with the terms of the Protective Order. At this time, Plaintiffs take no position as to whether the information so designated by Defendants is in fact "confidential" or "highly confidential" and explicitly reserve their right to challenge such designations in accordance with the terms of the Protective Order.

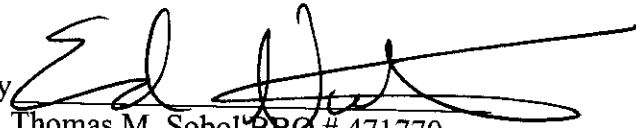
In the interest of preserving the confidentiality of the designated information while Defendants move to show good cause why the information should be redacted or sealed, Plaintiffs respectfully request leave to file the unredacted versions of these documents under seal.

In accordance with Paragraph 29 of the Protective Order, Plaintiffs have provided under separate cover, redacted versions of each of the Consolidated Opposition, the Defendant Specific Opposition and Sobol Affidavit for use as a public version pending the Court's ruling on these matters. The unredacted versions of each document are attached hereto as Exhibit A through Exhibit C respectively.

DATED: September 15, 2003.

Boston, Massachusetts

By



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CERTIFICATE OF SERVICE

I hereby certify that I, Edward Notargiacomo, an attorney, caused true and correct copies of the foregoing Plaintiffs' Motion for Leave to File Unredacted Versions of Various Pleadings Under Seal to be served on all counsel of record electronically, pursuant to Section D of Case Management Order No. 2., this 15th day of September, 2003.

By 

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DISTRICT OF MASS.

2003 SEP 15 P 5:50

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FILED
CLERK'S OFFICE

September 15, 2003

Via Hand Delivery

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United District Court
District of Massachusetts
One Courthouse Way, Suite 2300
Boston, Massachusetts 02210

Re: In Re: Pharmaceutical Industry Average Wholesale Price Litigation, MDL No. 1456

Dear Sir/Madam:

Enclosed for filing in the above-captioned matters please find Plaintiffs' Motion for Leave to File Unredacted Versions of Various Pleadings Under Seal.

Please acknowledge this filing by date-stamping the enclosed copy of this letter and returning it to the waiting messenger. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ed Notargiacomo", with a long horizontal line extending to the right.

Edward Notargiacomo

Enclosure

cc: All Counsel of Record (Via VeriLaw)